

THE CITY OF SAN DIEGO, CALIFORNIA  
MINUTES FOR REGULAR COUNCIL MEETING  
OF  
MONDAY, APRIL 19, 1999  
AT 2:00 P.M.  
IN THE COUNCIL CHAMBERS - 12TH FLOOR

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**CHRONOLOGY OF THE MEETING:**

The meeting was called to order by Mayor Golding at 2:13 p.m. Mayor Golding adjourned the meeting at 3:25 p.m. into Closed Session on Tuesday, April 20, 1999, at 9:00 a.m. in the Closed Session Conference Room to discuss existing litigation, anticipated litigation, and real property interests.

**ATTENDANCE DURING THE MEETING:**

- (M) Mayor Golding-present
- (1) Council Member Mathis-present
- (2) Council Member Wear-present
- (3) Council Member Kehoe-present
- (4) Council Member Stevens-present
- (5) Council Member Warden-present
- (6) Council Member Stallings-present
- (7) Council Member McCarty-present
- (8) Council Member Vargas-present
- Clerk-Rimes (pr)

**FILE LOCATION: MINUTES**

ITEM-1: ROLL CALL

Clerk Rimes called the roll:

- (M) Mayor Golding-present
- (1) Council Member Mathis-present
- (2) Council Member Wear-present
- (3) Council Member Kehoe-present
- (4) Council Member Stevens-present
- (5) Council Member Warden-present
- (6) Council Member Stallings-present
- (7) Council Member McCarty-present
- (8) Council Member Vargas-present

FILE LOCATION: MINUTES

ITEM-10: INVOCATION

Invocation was given by John Desoto of the Mira Mesa First Assembly of God.

FILE LOCATION: MINUTES

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member McCarty.

FILE LOCATION: MINUTES

NON-AGENDA COMMENT:

PUBLIC COMMENT-1:

Comment by Don Stillwell regarding April 19, 1999 being the anniversary of "Waco" and the fourth year anniversary of the bombings in Oklahoma City.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A026-046.)

**PUBLIC COMMENT-2: REFERRED TO CITY MANAGER**

Comment by Kathryn Wild regarding preserving the Winterwood Park vernal pools in the Mira Mesa area, and her feeling that Park and Recreation is preventing her organization from doing that.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A047-080.)

**PUBLIC COMMENT-3:**

Comment by Alfred Weber wishing to commend St. Vincent De Paul and Father Joe Carroll for their commitment to the homeless.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A089-119.)

**COUNCIL COMMENT:**

**COUNCIL COMMENT-1:**

Comment by Council Member Stallings regarding this Saturday, April 24, 1999 being the "Friends of Mission Valley Preserve" gathering to do a clean-up on land that has been set aside as a preserve. Council Member Stallings expressed she hoped people would volunteer to help and that everyone will be meeting in Mission Valley, west of the YMCA at the Police Station parking lot. The event will be from 9:00 a.m. to 1:00 p.m. with lunch and snacks provided.

FILE LOCATION: MINUTES

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COUNCIL ACTION: (Tape location: A120-130.)

**COUNCIL COMMENT-2:**

Comment by Council Member Warden regarding two things that happened on Saturday, April 17th. One was the fourteenth annual Linda Vista Multi-Cultural Fair which Council Member Stallings and Council Member Warden attended. Council Member Warden expressed it was the biggest one yet with many activities for children and a wonderful show of diversity. Council Member Warden also wished to thank Mercy Hospital and "Save the Kids" for another successful "trigger-lock give away," and that they have handed out almost 6,000 trigger-locks.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A131-138.)

**COUNCIL COMMENT-3: REFERRED TO THE CITY MANAGER**

Council Member Wear commented on gang related violence that occurred in Mission Beach yesterday, and that he was contacted at home by a Mission Beach resident, and in turn contacted the Police Department. There was several gang related fights which caused traffic gridlock that would have prevented emergency vehicles from responding to emergencies. Council Member Wear further expressed that summer was just beginning and that he would like to get a handle on the problem immediately providing adequate resources to do that. Council Member Wear explained May 1st means three Beach Teams will be introduced in addition to the regular officers, and that there must be preparation for this week-end.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A139-167.)

**COUNCIL COMMENT- 4:**

Comment by Council Member Kehoe regarding this Saturday at 11:00 a.m. being the opening of the new Balboa Park Activity Center on Park Boulevard, just South of the Naval Hospital. Council Member Kehoe wished to invite everyone to



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attend stating this would be the "new house" for volleyball, table tennis, and the Science Fair as well as other activities that took place at the old gymnasium. Mayor Golding expressed she would be there, and that it was a great new facility for all the various organizations in San Diego.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A168-180.)

**COUNCIL COMMENT-5:**

Comment by Council Member Stevens commending five college students from San Diego taken in the NFL Draft, and that he was exceptionally proud because four of the five were from his District.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A180-190 .)

ITEM-30: Approval of Council Minutes.

**TODAY'S ACTION IS: APPROVED**

Approval of Council Minutes for the meetings of:

3/29/99

3/30/99

3/30/99 Special Joint Meeting

3/30/99 Special Joint Session

3/30/99 Adjourned Special Joint Meeting held on 3/31/99

4/05/99 Adjourned

4/06/99 Adjourned

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A191-192.)

MOTION BY KEHOE TO APPROVE. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-31: San Diego County Bar Association Day.

**MAYOR GOLDING'S RECOMMENDATION:**

Adopt the following resolution:

(R-99-1101) ADOPTED AS RESOLUTION R-291489

Proclaiming April 22, 1999 to be "San Diego County Bar Association Day" in San Diego and commending the officers and members of the San Diego County Bar Association for their valuable contributions to the improvement of the San Diego legal community.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A195-269.)

MOTION BY KEHOE TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-32: Take Our Daughters to Work Day.

**COUNCILMEMBER KEHOE'S RECOMMENDATION:**

Adopt the following resolution:

(R-99-1122) ADOPTED AS RESOLUTION R-291490

Encouraging families to use this special day as an opportunity to discuss the events of the day at home with all family members and proclaiming April 22, 1999 to be "Take Our Daughters to Work Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A349-378.)

MOTION BY KEHOE TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-33: Mike Reynolds Day.

**COUNCILMEMBER WARDEN'S RECOMMENDATION:**

Adopt the following resolution:

(R-99-1052) ADOPTED AS RESOLUTION R-291491

Commending and thanking Mike Reynolds for his outstanding service to the San Diego Region and the Building Industry Association;

Proclaiming April 19, 1999 to be "Mike Reynolds Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A380-414.)

MOTION BY KEHOE TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-34: Dr. Michele Marcus Day.

**COUNCILMEMBER STALLINGS'S RECOMMENDATION:**

Adopt the following resolution:

(R-99-1087) ADOPTED AS RESOLUTION R-291488

Commending Dr. Michele Marcus for her outstanding service, leadership and commitment to the students of Mission Bay High School, the community of Pacific Beach, and the City of San Diego in honor of her significant contributions;

Proclaiming Monday, April 19, 1999 to be "Dr. Michele Marcus Day" in San Diego.

FILE LOCATION:                      AGENDA

COUNCIL ACTION:                      (Tape location: A434-524.)

MOTION BY KEHOE TO ADOPT. Second by Wear. Passed by the following vote:  
Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea,  
Vargas-yea, Mayor Golding-yea.

ITEM-35:     National Safety Driving at Work Week.

**MAYOR GOLDING'S RECOMMENDATION:**

Adopt the following resolution:

(R-99-1128) ADOPTED AS RESOLUTION R-291492

Declaring April 19-23, 1999, as "National Safety Driving at Work Week" and  
urging all San Diegans to practice sound Traffic Safety year round as they live,  
work and play.

FILE LOCATION:                      AGENDA

COUNCIL ACTION:                      (Tape location: A269-348.)

MOTION BY KEHOE TO ADOPT. Second by Wear. Passed by the following vote:  
Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea,  
Vargas-yea, Mayor Golding-yea.

\* ITEM-100: Inviting Bids for the Removal of Architectural Barriers for the Disabled-Contract  
41.

(Clairemont, Serra Mesa, City Heights, Rolando, College Area, San Carlos, Centre  
City, Sherman Heights, Stockton, Memorial, Southcrest, Nestor, Otay Mesa  
Community Areas. Districts-2,3,4,6,7 and 8.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-99-995) ADOPTED AS RESOLUTION R-291493

Inviting bids for the Removal of Architectural Barriers for the Disabled - Contract 41 on Work Order No. 112810;

Authorizing the execution of a contract with the lowest responsible bidder;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$17,997 from CDBG Fund 18531, Dept. 4091, Org. No. 9118 to CDBG Fund 18534, Dept. No. 4175, Org. No. 7501, Job Order No. 112810; and an amount not to exceed \$50,000 from CDBG Fund 18534, Dept. No. 4175, Org. No. 7504 to CDBG Fund 18534, Dept. No. 4175, Org. No. 7501, Job Order No. 112810;

Authorizing the expenditure of an amount not to exceed \$167,997 from CDBG Fund 18534, Dept. No. 4175, Org. No. 7501, Job Order No. 112810;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.  
(BID-K99212C)

**CITY MANAGER SUPPORTING INFORMATION:**

Community Block Grant Fund Nos. 18531 and 18534 provide for the design and construction of pedestrian ramps. The ramps are required because persons with disabilities and many senior citizens find their mobility restricted by curbs that are difficult to negotiate. This project will provide 136 ramps.

Aud. Cert. 9900862.

**FILE LOCATION:** W.O. 112810, CONT - Gypsy Queen, Inc.

**COUNCIL ACTION:** (Tape location: A550-B058.)

CONSENT MOTION BY KEHOE TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-101: Inviting Bids for the Mission Bay Park - Playa Pacifica Tot Lot Upgrade.

(Mission Bay Park Community Area. District-2.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-99-998) ADOPTED AS RESOLUTION R-291494

Inviting bids for the Mission Bay Park - Playa Pacifica Tot Lot Upgrade on Work Order No. 221010;

Authorizing a contract with the lowest responsible bidder;

Authorizing the Auditor and Comptroller to appropriate \$50,000 from Fund No. 10507, Sludge Mitigation Funds, to CIP-22-101.0, Playa Pacifica Tot Lot Upgrade;

Amending the FY99 CIP Budget by increasing the Playa Pacifica Tot Lot Upgrade, CIP-22-101.0 by \$50,000;

Authorizing the expenditure of not to exceed \$90,250 from CIP-22-101.0, Playa Pacifica Tot Lot Upgrade, Sludge Mitigation Fund No. 10507;

Authorizing the Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-K99209C)

**CITY MANAGER SUPPORTING INFORMATION:**

Playa Pacifica Lot Tot is located on the east side of Leisure Lagoon in Mission Bay Park. The proposed project will improve the existing Playa Pacifica Playground with a new picnic table, drinking fountain, playground equipment and accessible surfacing, which meets current applicable codes.

Aud. Cert. 9900952.

FILE LOCATION: W.O. 221010, CONT - Fox Construction

COUNCIL ACTION: (Tape location: A550-B058.)

CONSENT MOTION BY KEHOE TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

- \* ITEM-102: Two actions related to Approving the Final Subdivision Map of Torrey Hills Unit No. 6.

(This is a 52-lot subdivision. Sorrento Hills Community Area. District-1.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolutions:

Subitem-A: (R-99-1066) ADOPTED AS RESOLUTION R-291495

Authorizing a Subdivision Improvement Agreement with Presley Torrey II Associates, L.L.C., for the installation and completion of public improvements.

Subitem-B: (R-99-1065) ADOPTED AS RESOLUTION R-291496

Approving the final map.

**CITY MANAGER SUPPORTING INFORMATION:**

This map proposes the subdivision of a 19.673 acre site into 52 lots for residential development. It is located south of Carmel Mountain Road in the Sorrento Hills Community Plan area. On March 17, 1997 the Council of the City of San Diego approved Vesting Tentative Parcel Map VTM-95-0554 Torrey Hills by Resolution R-288438 for Torrey Hills Unit No. 6 Subdivision. The City Engineer has approved the final map and states that all conditions of the Tentative Map have been satisfied. The public improvements required for this subdivision are shown in detail on Drawing Nos. 29053-1-D through 29053-7-D, filed in the Office of the City Clerk under Micro Number 139.96. All improvements are to be completed within two years. The Engineer's estimate for the cost of public improvements is \$934,562.92 and a Performance Bond in that amount has been provided as surety. A cash bond in the amount of \$12,000, as determined by the surveyor's estimate, has been posted as surety for the setting of survey monuments. This subdivision is located in the Sorrento Hills Community Area. This subdivision has a development agreement which provides for the payment of public facilities. This community may be subject to

impact fees, as established by the City Council, at the time of issuance of building permits. Development on any property within this map shall pay the fees as set by the City Council and in effect in the community at the time of building permit issuance. Fees will be paid at the time the building permit is issued. Subdivider, by letter, has given assurance to the City of San Diego that he subscribes to the Affirmative Marketing Program as shown in the "Memorandum of Understanding between the San Diego Building Industry Association and U.S. Department of Housing and Urban Development."

FILE LOCATION: SUBITEMS A & B: SUBD-Torrey Hills Unit No. 6 (40)

COUNCIL ACTION: (Tape location: A550-B058.)

CONSENT MOTION BY KEHOE TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-103: Accepting the Local Transportation Funds for Via De La Valle Bikeway Improvements.

(Carmel Valley Community Area. District-1.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-99-1081) ADOPTED AS RESOLUTION R-291497

Authorizing the City Manager to accept the Local Transportation Funds for Via De La Valle Bikeway Improvements of \$305,000, Fund 390060 from SANDAG;

Amending the Fiscal Year 1999 CIP budget by increasing CIP-58-077.0, Via De La Valle Bikeway Improvement by \$305,000;

Authorizing the appropriation and expenditure of an amount not to exceed \$305,000, CIP-58-077.0, Via De La Valle Bikeway Improvement, for the administrative design and related costs.



**CITY MANAGER SUPPORTING INFORMATION:**

SANDAG has allocated \$305,000 of Local Transportation Funds (LTF), Fund 390060 for the improvement of Via De la Valle bike lane, CIP-58-077.0. This project will serve as a traffic congestion and air pollution mitigation measure by encouraging bicycle transportation. It will be an extension of the existing bike lane along Via De La Valle between San Andres Drive and the Del Mar city limits.

Aud. Cert. 9900992.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A550-B058.)

CONSENT MOTION BY KEHOE TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-104: Accept the Grant Funding for Beach Area Low Flow Storm Drain Diversion Project.

(La Jolla and Pacific Beach Community Areas. Districts-1 and 2.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-99-1082) ADOPTED AS RESOLUTION R-291498

Authorizing the City Manager to accept the \$1,305,000 State and Tribal Assistance Grants (STAG) per EPA, and Independent Agencies Appropriations Act of 1999 (P.L. 105-276);

Authorizing and directing the City Auditor and Comptroller to amend the CIP budget to increase State and Tribal Assistance Grants, Fund 38958, to CIP-12-124.0, Coastal Low Flow Storm Drain Diversion by the amount of \$1,305,000 in accordance with the 1999 Appropriation Ordinance;

Authorizing the expenditure of an amount not to exceed \$1,305,000 from CIP-12-124.0, Fund 38958, for engineering services and construction of Coastal Low

Flow Drain Diversion Project Phase II and Phase III.

**CITY MANAGER SUPPORTING INFORMATION:**

The EPA section of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act of 1999 (P.L. 105-276), as amended by the Omnibus Consolidated Appropriations Act of 1999 (P.L. 105-277), provides \$1,305,000 in the State and Tribal Assistant Grants (STAG) account for funding Coastal Low Flow Storm Drain Diversion Project. Beach Area Low Flow Storm Drain diversion project (CIP-12-124.0) was established in the FY1998 CIP budget. The project provides for diversion of dry weather low flow nuisance runoff and sewer overflows, preventing pollution of the beach.

The Grant Fund was approved by Congress in HR 4194, the FY1999 VA/HUD. The grant was secured by Congressman Brian Bilbray.

This action provides \$1,305,000 for engineering services and construction in FY1999 and FY2000.

Aud. Cert. 9900996.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A550-B058.)

CONSENT MOTION BY KEHOE TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-105: Transfer of Funds - Sail Bay Walkway Landscaping.

(Mission Bay Park Community Area. District-2.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-99-949) ADOPTED AS RESOLUTION R-291499

Amending the Fiscal Year 1999 CIP Budget by increasing the Sail Bay Walkway Landscaping Project, CIP-22-935.0 by \$36,500;

Authorizing the City Auditor and Comptroller to appropriate an amount not to exceed \$36,500 from Fund No. 10507, Sludge Mitigation Funding to CIP-22-935.0, Org. No. 104, Dept. 30244;

Authorizing the expenditure of an amount not to exceed \$186,500 from CIP-22-935.0 for the construction of Sail Bay Walkway Landscaping.

**CITY MANAGER SUPPORTING INFORMATION:**

The landscaping portion of the project is located in Mission Bay along the Sail Bay Walkway between the Briarfield Bridge and Graham/Gresham Streets. The lighting portion of the project was completed in the summer of 1997. The City Council action will add necessary funding for construction of the landscaping portion of the project (CIP-22-935.0).

Aud. Cert. 9900897.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A550-B058.)

CONSENT MOTION BY KEHOE TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-106: Transfer of Funds - DeAnza Cove Tot Lot Upgrade.

(Mission Bay Park Community Area. District-2.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-99-950) ADOPTED AS RESOLUTION R-291500

Amending the Fiscal Year 1999 CIP Budget to add the DeAnza Cove Tot Lot Upgrade Project, CIP-22-940.0 and increase the CIP Budget by \$26,500;

Authorizing the City Auditor and Comptroller to appropriate an amount not to exceed \$26,500 from Fund No. 10507, Sludge Mitigation Funding to CIP-22-940.0, Org. No. 104, Dept. 30244;

Authorizing the expenditure of an amount not to exceed \$76,500 from CIP-22-940.0 for the construction of DeAnza Cove Tot Lot Upgrade.

**CITY MANAGER SUPPORTING INFORMATION:**

The project is located in Mission Bay on the north shore of DeAnza Cove. This City Council action will add necessary funding for construction of the tot lot upgrade (CIP-22-940.0).

Aud. Cert. 9900898.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A550-B058.)

CONSENT MOTION BY KEHOE TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-107: Appropriation of Funds - Santa Clara Point Recreation Center.

(Mission Beach Community Area. District-2.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-99-1002) ADOPTED AS RESOLUTION R-291501

Authorizing the City Auditor and Comptroller to appropriate and expend \$4,400 from the Mission Beach Development Impact Fee Fund, Fund No. 79522, to CIP-22-095.0, Santa Clara Point Recreation Center;

Amending the FY99 CIP Budget by increasing the Santa Clara Point Recreation Center Project, CIP-22-095.0, by \$4,400.

**CITY MANAGER SUPPORTING INFORMATION:**

Santa Clara Point Recreation Center is located on Santa Clara Place, east of Mission Blvd., in San Diego. The project scope entails the replacement of fifteen (15) existing windows along with exterior security shutters. Bids were received on February 3, 1999, which exceeded the available funding. The requested funding will allow for the award of a contract for installation of the windows and security shutters.

Aud. Cert. 9901040.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A550-B058.)

CONSENT MOTION BY KEHOE TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-108: Sewer & Water Group 639 - Construction Change Order No. 2 & No. 3.

(Uptown Community Area. District-2.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-99-1080) ADOPTED AS RESOLUTION R-291502

Approving Change Order No. 2, with Southern California Underground Contractor, Inc., amounting to a net increase in the contract price by \$112,877.70;

Approving Change Order No. 3, with Southern California Underground Contractor, Inc., amounting to a net decrease in the contract price by \$5,578.94;

Authorizing the expenditure of an amount not to exceed \$94,650.64 from Sewer Fund No. 41506, CIP-44-001.0, Annual Allocation- Sewer Maintenance Replacement, and \$39,654.01 from Water Fund No. 41500, CIP-73-083.0 to provide funds for Change Order No. 2, additional project contingency, and engineering funds for this project;

Authorizing the City Auditor and Comptroller to transfer excess budgeted funds, if any, to appropriate reserves on advice of the administering department.

**CITY MANAGER SUPPORTING INFORMATION:**

The project area of Group 639 is located in the Uptown Community, which is an older area of the City. Additional costs to the construction contract were incurred due to unforeseen conditions arising in that area, such as: varied existing pavement compositions and thicknesses; unavailable or unrecorded information on the existing utilities; the construction conflicts with unmarked utilities; the mandatory change in schedule of construction work along Harbor Drive due the Super Bowl Moratorium; the removal and replacement of heaving sidewalks and concrete pavement in order to improve safety conditions and after the award of this contract new department policies were introduced requiring that pedestrian ramps and sidewalk historical stamps be constructed and restored respectively as part of this contract. For said work, time was added to the contract, which led to additional inspection services and increased costs.

The processing of the Change Orders No. 2 and No. 3 and this 1472 will close out the construction contract.

Aud. Cert. 9900979.

FILE LOCATION: CONT-Southern California Underground Contractor, Inc.

COUNCIL ACTION: (Tape location: A550-B058.)

CONSENT MOTION BY KEHOE TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-109: San Diego County Restaurant Association Day.

**COUNCILMEMBER WARDEN'S RECOMMENDATION:**

Adopt the following resolution:

(R-99-1053) ADOPTED AS RESOLUTION R-291503

Commending, thanking and congratulating the San Diego County Restaurant Association for 20 years of outstanding service to San Diego's restaurant industry;

Proclaiming April 21, 1999 to be "San Diego County Restaurant Association Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A550-B058.)

CONSENT MOTION BY KEHOE TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-110: Excusing Councilmember Barbara Warden from the Council Meetings of April 12 and 13, 1999.

**COUNCILMEMBER WARDEN'S RECOMMENDATION:**

Adopt the following resolution:

(R-99-1124) ADOPTED AS RESOLUTION R-291504

Excusing Councilmember Barbara Warden from attending the regularly scheduled Council meetings of April 12 and 13, 1999.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A550-B058.)

CONSENT MOTION BY KEHOE TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-200: Request to Exempt One Assistant Investment Officer Position from the Classified Service.

**RETIREMENT ADMINISTRATOR'S RECOMMENDATION:**

Hold the first public hearing of the ordinance:

(O-99-105) HEARING HELD, SECOND HEARING TO BE HELD APRIL 20, 1999

Amending Ordinance O-18551 (New Series), as amended, entitled "An Ordinance Adopting the Annual Budget for the Fiscal Year 1998-99 and Appropriating the Necessary Money to Operate the City of San Diego for said Fiscal Year" by amending Document No. OO-18551 to add the position of an Assistant Investment Officer in the Retirement Department and exempting the position from the Classified Service.

**CITY MANAGER SUPPORTING INFORMATION:**

On January 22, 1999, the San Diego City Employees' Retirement System (SDCERS) Board unanimously approved the Retirement Administrator's recommendation to reclassify the Investment Analyst position (classification #1106, Senior, Senior Management Analyst) to that of Assistant Investment Officer (classification #2256), and that the position be exempt from classification in accordance with the requirements and intent of Charter Section 117. The reclassification is requested to take effect in fourth quarter FY1999 and as such, the SDCERS Board approved a fourth quarter budget adjustment.

On March 9, 1999, in a memo to the Civil Service Commission via the Personnel Director, the Retirement Board Administrator made a request to exempt one Assistant Investment Officer Position from the Classified Service. Upon review of this request, the Personnel Director, in a memo to the Civil Service Commission dated March 26, 1999, recommended that the reclassification request be approved. Subsequently, the reclassification request was unanimously approved by the Civil Service Commission, on the Consent Agenda, at the April 1, 1999, meeting.

**Supporting Documentation**

1. "Request to Exempt One Assistant Investment Officer Position from the Classified Service" Memo to the Honorable Mayor and Council from the Personnel Director, dated April 2, 1999.
2. "Request to Exempt One Assistant Investment Officer Position from the Classified Service" Memo to the Civil Service Commission from the Personnel Director, dated March 26, 1999.



3. "Request to Exempt one Assistant Investment Officer Position from the Classified Service" Memo to the Civil Service Commission via the Personnel Director from the SDCERS Retirement Administrator, dated March 9, 1999.
4. "Fourth Quarter Budget Adjustment - Investment Staffing" Memo from the Retirement Administrator to the SDCERS Retirement Board via Business and Procedures Committee, dated January 12, 1999.
5. Minutes from the SDCERS Retirement Board meeting on January 22, 1999.

**NOTE:** Today's action is the first public hearing of the ordinance. See Item 330 on the docket of Tuesday, April 20, 1999, for the second public hearing and introduction and adoption of the ordinance.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: A550-B058.)

CONSENT MOTION BY KEHOE TO APPROVE THE HEARING. Second by Wear.  
Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea,  
Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-201: Two actions related to Inviting Bids for the Construction of Sewer Group 630 and Certifying Mitigated Negative Declaration LDR-98-0171.  
(Granthill and Stockton Community Areas. District-8.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolutions:

Subitem-A: (R-99-996) ADOPTED AS RESOLUTION R-291505

Inviting bids for the Construction of Sewer Group 630 on Work Order No. 172191;

Authorizing a contract with the lowest responsible bidder;

Authorizing the expenditure of an amount not to exceed \$2,487,782 from CIP-44-001.0, Fund 41506, for providing funds for said project and related costs, provided the City Auditor first furnishes a certificate certifying that the funds are, or will be, on deposit in the City Treasury;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-K99208C)

Subitem-B: (R-99-997)      ADOPTED AS RESOLUTION R-291506

Certifying that the information contained in Mitigated Negative Declaration LDR-98-0171, has been completed in compliance with the California Environmental Quality Act of 1970, as amended, and State guidelines, that the declaration reflects the independent judgement of the City of San Diego as Lead Agency and that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by the Council in connection with the approval of Construction of Sewer Group 630;

Adopting the Mitigation Monitoring and Reporting Program.

**CITY MANAGER SUPPORTING INFORMATION:**

Sewer Group 630 is a part of the City's ongoing concrete sewer main Capital Improvement's Annual Allocation Replacement Program. The existing mains were installed as early as 1900 and are approaching the end of their useful service life. Replacement of these deteriorated and undersized mains will continue to provide the community with a safe and reliable sewer infrastructure. This project is within the Granthill and Stockton Community Areas and involves the replacement of 9,759 feet of existing 6-inch concrete sewer mains, 244 feet of existing 6-inch polyvinyl chloride sewer mains and 915 feet of existing 6-inch and 8-inch vitrified clay sewer mains. The following streets will be affected by the construction operations: Commercial, Imperial Avenue, L Street, K Street, J Street, Island Avenue, Market, G Street, 28th, 29th, Dodson, 30th, 31st, 32nd, Bancroft, and alleys north of Commercial, Imperial Avenue, J Street, Island Avenue, Market, and G Street. Residents will be notified by mail at least one month prior to construction by the City and ten days prior to construction by the contractor.

WWF-99-370.

FILE LOCATION:                      SUBITEMS A & B: W.O. 172191, CONT - Southern  
California Underground Contractors

COUNCIL ACTION:                      (Tape location: A550-B058.)

CONSENT MOTION BY KEHOE TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-202: Two actions related to Inviting Bids for the Accelerated Sewer Replacement Project A-1; 33rd and Upas Sewer Replacement, Jupiter Street Sewer Replacement, Ingraham to Haines Street Alley Sewer Replacement, 410 Market Street Sewer Replacement, 5010 Market Street Sewer Replacement, Walmar Lane Sewer Replacement and Orizaba Avenue Sewer Replacement [Accelerated Sewer Replacement Project A-1] and Certifying Mitigated Negative Declaration LDR-98-0171.

(Greater North Park, Midway, Pacific Beach, Centre City, Southeast San Diego and Uptown Community Areas. Districts-2, 3 and 4.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolutions:

Subitem-A: (R-99-999)      ADOPTED AS RESOLUTION R-291507

Inviting Bids for the Accelerated Sewer Replacement Project A-1; 33rd and Upas Sewer Replacement, Jupiter Street Sewer Replacement, Ingraham to Haines Street Alley Sewer Replacement, 410 Market Street Sewer Replacement, 5010 Market Street Sewer Replacement, Walmar Lane Sewer Replacement and Orizaba Avenue Sewer Replacement [Accelerated Sewer Replacement Project A-1] on Work Order Nos. 174271, 174971, 174741, 174291, 174281 and 174881;

Authorizing a contract with the lowest responsible bidder;

Authorizing the expenditure of an amount not to exceed \$1,811,122 from CIP-44-001.0, Annual Allocation - Sewer Main Replacement Fund No. 41506, provided that the City Auditor and Comptroller first furnishes a certificate demonstrating that the funds are, or will be, on deposit in the City Treasury;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-K99210C)

Subitem-B: (R-99-1000) ADOPTED AS RESOLUTION R-291508

Certifying that the information contained in Mitigated Negative Declaration LDR-98-0171, has been completed in compliance with the California Environmental Quality Act of 1970, as amended, and State guidelines, that the declaration reflects the independent judgement of the City of San Diego as Lead Agency and that the information contained in the report, together with any comments received during the public review process, has been reviewed and

considered by the Council in connection with the approval of Sewer Replacement - Contract A-1;

Adopting the Mitigation Monitoring and Reporting Program.

**CITY MANAGER SUPPORTING INFORMATION:**

This project is a combination of seven small accelerated sewer replacement projects, as described in the table provided below. The Wastewater Collection Division identified the urgent need to replace these sewer mains due to their age, deterioration, lack of capacity (undersized), cracks, sags, and grease build up. Replacing these sewer mains will alleviate any potential for sewer spills as a result of the existing pipe's condition. City staff has determined that combining these small accelerated projects in one contract will help to promote more competitive bid prices and will save and eliminate the costs associated with advertising multiple times.

<u>Sewer Main</u>	<u>Length</u>	<u>Diameter</u>	<u>Community Area</u>
33rd & Upas	1,896 Feet	10-inch	Greater North Park
Jupiter Street	395 Feet	10-inch	Midway
Ingraham & Haines	590 Feet	8-inch	Pacific Beach
410 Market Street	150 Feet	8-inch	Centre City
5010 Market Street	210 Feet	8-inch	Southeast San Diego
Walmar Lane	755 Feet	8-inch	Pacific Beach
Orizaba Avenue	950 Feet	8-inch	Uptown

WWF-99-362.

FILE LOCATION: SUBITEMS A & B: W.O. 174271, 174971, 174741, 174291, 174281, AND 174881, CONT - Cal Southwest Const. Inc.

COUNCIL ACTION: (Tape location: A550-B058.)

CONSENT MOTION BY KEHOE TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-203: Hauling and Disposal of Biosolids - Contract Extension and Modification.

(Kearny Mesa, Otay Mesa, and Sycamore Canyon Community Areas. Districts-6, 7, and 8.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-99-1104 Corrected) ADOPTED AS RESOLUTION R-291509

Authorizing the City Manager to enter into Amendment No. 1 to the agreement with Pacific Waste Services, Inc., for hauling of dewatered biosolids to landfill.

**CITY MANAGER SUPPORTING INFORMATION:**

On January 25, 1999, the City of San Diego issued a Purchase Order to Pacific Waste Services for the landfill disposal at the Miramar Landfill of approximately 62,500 wet tons of digested, dewatered biosolids from the Metropolitan Biosolids Center. The period of performance of the Purchase Order was from January 25, 1999 to June 30, 1999 at a unit price of \$4.95 per wet ton of digested, dewatered biosolids. Tipping fees at the Miramar Landfill were to be paid directly by the Metropolitan Wastewater Department to the Environmental Services Department, operator of the Landfill. The tipping equated to approximately \$19.00 per wet ton of biosolids. With delivery of digested, dewatered biosolids to the Miramar Landfill, numerous complaints have been fielded with regards to odors emanating from the biosolids into the neighboring community. In response to the odor problem at the Miramar Landfill, the City of San Diego opened negotiation with Pacific Waste Services to modify the existing Agreement for disposal at a location other than the Miramar Landfill. The results of those negotiations yielded a unit price per wet ton for the loading, hauling and disposal of \$26.00 with disposal to be made at a City approved site other than the Miramar Landfill. This unit price includes all fees, taxes and assessments that may be required by the disposal site chosen by Pacific Waste Services. Also, as part of the negotiations, the period of performance was increased by six months to January 24, 2000, with a corresponding increase in quantity of digested dewatered biosolids to be loaded, hauled, and disposed to a revised total of 130,000  $\pm$  50% wet tons.

The sole source procurement of the expanded scope was approved by the City Manager's Office in accordance with San Diego Municipal Code Section 22.3212, Contracts Not Required to be Competitively Bid.

Aud. Cert. 9901016.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A550-B058.)

CONSENT MOTION BY KEHOE TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-204: Balboa Park Concession Agreement with Hospitality, Inc.

(Balboa Park Community Area. District-3.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-99-1103) ADOPTED AS RESOLUTION R-291510

Authorizing the execution of a ten year Concession Agreement with Hospitality, Inc. for the operation of food concessions in Balboa Park, for an initial annual rent of \$150,000 or 24 ½ % of gross income, whichever is greater, and for a minimum annual rent in the amount of \$200,000 in the second year of the Agreement.

**CITY MANAGER SUPPORTING INFORMATION:**

Hospitality, Inc., was one of three respondents to a Request for Proposals for a concessionaire to operate the food concession building and mobile food vending carts in Balboa Park. The current concessionaire, Peoplefeeders, Inc. did not submit a proposal. In October 1998, the NR&C Committee approved the City Manager's recommendation to select Hospitality, Inc. City staff has negotiated a 10-year concession agreement with Hospitality, Inc., which embodies its proposal to the City. Hospitality, Inc., will renovate the concession building at a cost of about \$242,000 with the improvements, except for movable equipment, remaining City property at the end of the agreement. Rent for the first year will be greater of a \$150,000 minimum or 24 ½ percent of gross income. Starting with the second year, the annual minimum rent will be \$200,000 and will be subject to periodic adjustments during the term of the agreement. The Park and Recreation Department assisted the Real Estate Assets Department in negotiating the proposed agreement. Hospitality, Inc., is very experienced and capable, and City staff believes that the Balboa Park food concessions will continue to be successful under the new concessionaire's management.

FILE LOCATION: LEAS-Hospitality, Inc.

COUNCIL ACTION: (Tape location: A550-B058.)

CONSENT MOTION BY KEHOE TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-S400: Amendments to the Ordinance Governing Operations of Card Clubs.

(Continued from the meeting of April 12, 1999, Item 51, by common consent, due to lack of five affirmative votes.)

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 3/29/99. (Council voted 5-3. Councilmembers Mathis, Wear, Kehoe, Warden, and Stallings voted yea; Councilmembers Stevens, McCarty and Vargas voted nay; Mayor Golding not present):

(O-99-94) ADOPTED AS ORDINANCE O-18640 (New Series)

Amending Chapter III, Article 3, Division 39 of the San Diego Municipal Code by amending Section 33.3911, relating to Card Room regulations, to allow cardrooms in San Diego to: A) Add three games to those currently permitted, B) Extend operating hours to a 9:00 a.m. to 2:00 a.m. schedule, C) Open on Sundays, and D) Permit 9 players per table in each establishment.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B060-500.)

MOTION BY KEHOE TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Stallings. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-nay, Warden-yea, Stallings-yea, McCarty-nay, Vargas-nay, Mayor Golding-yea.

ITEM-S401: In the matter of directing the City Manager and his staff concerning negotiations with designated representatives of the United States Navy regarding real property interests at the San Diego Naval Training Center (NTC).

Prior to Council discussion in Closed Session and in compliance with the Brown Act, (California Government Code Section 54956.8) this issue is listed on the docket for public testimony.

**TODAY'S ACTION IS:** REFERRED TO CLOSED SESSION ON APRIL 20, 1999

1) Open the Public Hearing and accept testimony from any members of the public wishing to address the Council on this subject; 2) Conclude and close the public hearing; and 3) Refer the matter to Closed Session on April 20, 1999.

FILE LOCATION: MEET (67)

COUNCIL ACTION: (Tape location: A550-B058.)

CONSENT MOTION BY KEHOE TO REFER THIS ITEM TO CLOSED SESSION  
ON APRIL 20, 1999. Second by Wear. Passed by the following vote: Mathis-yea,  
Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea,  
Mayor Golding-yea.

**NON-DOCKET ITEMS:**

None.

**ADJOURNMENT:**

The meeting was adjourned by Mayor Golding at 3:25 p.m. in honor of the memory of:  
Johnny Beck as requested by Council Member Kehoe;  
Herbert Kunzel as requested by Mayor Golding; and  
Larry Wansley as requested by Mayor Golding.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B525.)